

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MAY 21, 2002 AT 10:00 A.M.
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PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony

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NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR
DISPENSING WITH THE READING AND ADOPTION:

Items 50.

ORDINANCES TO BE INTRODUCED:

None.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113
and 114.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Nob Hill Place Rezoning.

(RZ-41-0464. Uptown Community Plan Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/7/2002 (Council voted 6-1. Councilmember Frye voted nay. Councilmembers Madaffer and Inzunza not present):

(O-2002-131)

Rezoning 0.57 acres, located within the Uptown Community Plan Area, in the City of San Diego, California, from the NP-3 Zone (Neighborhood Professional, Office and Medium-Density Residential) into the NP-1 Zone (Neighborhood Professional, Office and High-Density Residential), as defined by San Diego Municipal Code section 103.1510; and repealing Ordinance No. O-17306 (New Series), adopted May 30, 1989.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Dignity San Diego 30th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1540)

Commending Dignity San Diego for 30 years of service to San Diego's lesbian, gay, bisexual and transgendered Catholic community;

Proclaiming May 19, 2002, to be "Dignity San Diego 30th Anniversary Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-101: Dr. Mariaelena Ochoa Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1541)

Recognizing and appreciating the assistance of Dr. Mariaelena Ochoa for her outstanding contributions in the field of education;

Proclaiming May 17, 2002, to be "Dr. Mariaelena Ochoa Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-102: Two actions related to Inviting Bids and Award of Contract for the Catalina Pump Station Project.

(See Larry Gardner's 3/21/2002 memo. Peninsula/Point Loma Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-1340)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the construction of the Catalina Pump Station and Point Loma Park Parking Lot on Work Order No. 73-263.0/73-263.3;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder;

Authorizing the City Auditor and Comptroller to amend the Capital Improvements Program budget to add CIP-29-844.0, Point Loma Park Improvements (Entry/Parking Lot) project;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$280,000 from the State of California Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 park grant funds for Fund No. 38135, CIP-29-844.0, Point Loma Park Improvements (Entry/Parking Lot) projects;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for funds appropriated to the City under the grant;

Authorizing the expenditure of an amount not to exceed \$4,751,039 from Water Fund No. 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration - Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$280,000 from Point Loma Park 02 Per Cap Fund No. 38135, CIP-29-844.0, Point Loma Park Improvements (Entry/Parking Lot) project;

Authorizing the City Manager to do by City forces inspection, closing and opening valves, and pipeline cuts and plugs pursuant to recommendation of the City Manager and submission of estimates by him indicating that the work can be done by City forces more economically than if let by contract, with the cost of the work not to exceed \$135,000;

Authorizing the expenditure of an amount not to exceed \$135,000 from Water Fund No. 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration - Replacement;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K02097C)

Subitem-B: (R-2002-1343)

Authorizing the City Manager to execute an amendment to the agreement of September 22, 2000, with RBF Consulting, for engineering design services;

Authorizing the expenditure of an amount not to exceed \$83,339 from Water Fund No. 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration - Replacement, to provide funds for the First Amendment in Fiscal Year 2002.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/3/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The Catalina Pump Station is located on Catalina Boulevard south of Verona Street in the community of Point Loma. The existing pumps are comprised of four 150 horsepower, vertical turbine pumps, each with a capacity of 2000 gallons per minute. This aging, undersized pump station has experienced operational problems and is in need of replacement. One of the pumps has been out of commission for several months and a portable diesel-driven pump is now serving as a substitute. Construction of a new Catalina Pump Station is part of a commitment to the Department of Health Services in accordance with Compliance Order 04-14-96-022.

The new Catalina Pump Station will ensure an adequate supply of water to community residents. It will sustain pressure and flow demands in the Point Loma area under high demand conditions or when the Catalina Standpipe is out of service. In addition, this replacement pump station will provide a more reliable and efficient facility that will save in electrical and maintenance costs. The pump station will consist of four new energy efficient pumps and motors, new state of the art electrical and telemetry equipment, and construction of an architecturally designed building consistent with the aesthetic preferences of the surrounding community. The new pumps will be 200 horsepower, vertical turbine pumps rated for 3,000 gallons per minute at 240 feet total discharge head. The upgrades at the Catalina Pump Station must be done prior to taking the nearby Catalina Standpipe out of service for rehabilitation.

During the project design phase, Council District 2 requested that the Water Department coordinate activities among the Water, Park and Recreation, and Fire Departments for design and construction of the Point Loma Park Parking Lot Enhancements Project. This will ameliorate Park and Recreation's unsatisfactory parking situation and allow the Water Department to use the existing parking lot as a staging area during the construction of the pump station.

In order to combine the two projects, the Water Department paid \$67,600 in additional expenses to design the Point Loma Park Parking Lot Enhancements Project. The First Amendment with RBF Consulting is necessary to cover the added design expense and provide engineering support during construction.

On August 15, 2000, City Council adopted R-293698 authorizing the City Manager to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (2000 Park Bond.) The City Manager has secured the 2000 Park Bond grant funding and has entered into a Grant Contract for 2000 Park Bond funds. In addition, the City Manager has entered into a subcontract with the State of California specifying the use of \$280,000 for the Pt. Loma Park Improvements (Entry/Parking Lot) project.

The Water Department has agreed to set aside up to \$220,000 for the restoration of the staging area within Point Loma Park. The Water Department will also manage re-construction of the parking lot as part of the Catalina Pump Station Project. Combining these two projects will lessen the impacts to the community during the construction work. The City forces are needed for inspection, closing and opening valves, and pipeline cuts and plugs. Use of City forces is more economical than bidding the work because the City has the equipment and expertise readily available. The existing pump station will be operating during construction, and coordination of the work by City forces is necessary to help minimize disruptions to the City's water services.

FISCAL IMPACT:

The total estimated cost of this project \$5,237,194. This will be phase funded in Fiscal Year 2002, Fiscal Year 2003 and Fiscal Year 2004. Funding for the construction of the pump station and the Point Loma Park Parking Lot is available from Water Fund 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration, and Point Loma Park 02 Per Cap Fund 38135, CIP-29-844.0.

Mendes/Gardner/KP

Aud. Cert. 2201089.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-103: Amendment to the Retention Agreement with the Law Firm of Luce, Forward, Hamilton & Scripps LLP, for Litigation Services Related to the Ballpark & Redevelopment Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1170)

Authorizing an amendment to the Retainer Agreement with the Law Firm of Luce, Forward, Hamilton & Scripps LLP, for legal services concerning the Ballpark and Redevelopment Project increasing the authorized amount for that Agreement by \$200,000;

Authorizing the expenditure of an amount not to exceed \$200,000 from Fund 81140, Dept. 81140, Org. 3501, Object Account 4141, Job Order 081140.

CITY MANAGER SUPPORTING INFORMATION:

The City previously entered into an agreement with the Law Firm of Luce, Forward, Hamilton & Scripps, LLP, for certain litigation services related to the Ballpark and Redevelopment Project. The original authorization was for \$75,000, which was subsequently increased to \$400,000. It is presently anticipated that expenditures will approach \$600,000 necessitating an additional \$200,000 related to concluding litigation related to the Ballpark Project.

Herring/Girard/JS

Aud. Cert. 2201076.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-104: Lease Amendments - Hilton Hotel Corporation.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1562)

Authorizing the City Manager to execute a first amendment to the lease agreement with the Hilton Hotels Corporation dated August 10, 1987, to permit a tee time agreement between the parties for reserved non-resident tee times at Torrey Pines Golf Course.

CITY MANAGER SUPPORTING INFORMATION:

In November 2001, the City Council approved the new Municipal Golf Operations Business Plan for Torrey Pines and Balboa Park Golf Courses. A recommendation in the plan is to provide the Hilton La Jolla Torrey Pines, a City lessee adjacent to Torrey Pines Golf Course, with a guaranteed number of tee times per day at Torrey Pines Golf Course for its hotel guests, subject to terms and conditions. The Real Estate Assets Department was directed to negotiate the agreement. Since the Hilton's existing lease precludes any preference on tee times, a lease amendment is needed that deletes this provision. The proposed amendment will then allow an agreement for tee times to be negotiated separately from the lease.

FISCAL IMPACT:

\$75,000 per year in additional rent or "in kind" services to the City are projected.

Herring/Griffith/PTC

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-105: Lease Renewal - Downtown Johnny Browns, Inc.

(See City Manager Report CMR-00-33. Downtown Community Area.
District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1520)

Authorizing the City Manager to execute a ten-year lease agreement with one five-year option with Downtown Johnny Brown's, Inc., a 3,434 square-foot building area, 1,602 square-foot patio area, at 1220 Third Avenue, in the San Diego Concourse, for a term of ten years with one five-year option to extend at an initial annual rent of \$46,750 (5.5% of gross income), which has been confirmed by the City's Valuation Division as fair market rent.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/23/2000, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Wear, Kehoe and McCarty voted yea. Councilmembers Stevens and Warden not present.)

CITY MANAGER SUPPORTING INFORMATION:

On February 23, 2000, the Land Use and Housing Committee approved exclusive negotiations for the renewal of a lease with John Brown and James McElroy for Downtown Johnny Brown's Restaurant, located at 1220 Third Avenue, in the San Diego Concourse.

The basic terms of the lease are:

TERM - 10 years with one 5-year option.

RENT - Percentage rent beginning at 5.5% escalating after year 2 to 6.5%, year 5 to 6.75% and year 10 to 7%. This is fair market rent based on comparable restaurant leases in the downtown area.

USE - Café style restaurant and bar.

LEASE AREA - 3,424 sq. ft. building area, 1,602 sq. ft. patio area.

VALUE - Based on staff estimates, the Fair Market Value of the City's interest in the property is estimated to be \$375,000.

CAPITAL IMPROVEMENTS - Minimum of \$125,000 lessee capital improvements to include new restrooms, signs and awnings, dining area remodel, upgraded patio and new HVAC system. Lessee has agreed to repair the leaking roof of the facility, which is a City responsibility and will receive a rent credit for the cost of the repairs.

FISCAL IMPACT:

Annual Rent estimated to be \$46,750 will be deposited to General Fund 100.

Herring/Griffith/CEH

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-106: Assembly Bill 303 (AB303) Funding of Water Project for the San Diego River Groundwater Basins Groundwater Management Project.

(See memorandum from Larry Gardner dated 4/24/2002.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1406)

Authorizing the City Manager to execute and take all other actions necessary to fully perform the City's obligations under the Agreement between the State of California Department of Water Resources and the City of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/1/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On May 22, 2001, the City Council adopted Resolution R-294900, authorizing the City Manager to apply for, accept and expend grant funds from the State of California pursuant to the Local Groundwater Management Assistance Act of 2000, California Water Code Sections 10795, et seq. (AB303) to conduct groundwater management in connection with the City of San Diego's Water Projects.

The City Manager applied for a grant to assist in funding the San Diego River Groundwater Basins Groundwater Management Project. The Department of Water Resources has approved \$250,000 to partially fund the project. The total cost for the project is \$670,560 and is budgeted in the Groundwater Asset Development Program (CIP-75-932.0).

Completion of the proposed project will provide an implementation plan for management of the groundwater basins adjacent to the San Diego River System, consistent with the objectives of the City of San Diego, Helix Water District, and Padre Dam Water District. Completion of this work will also facilitate the development of solutions to groundwater

degradation and contamination problems, provide the opportunity for optimum groundwater basin management for the future, and will facilitate the reduction of dependence on imported water supplies consistent with the goals and objectives of CALFED and the California 4.4 Plan.

FISCAL IMPACT:

\$250,000 in grant funding will be deposited in the Water Operating Fund 41500 as partial funding of the total project cost of \$670,560.

Mendes/Gardner/CCW

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Fiscal Year 2003 Grant Applications - TDA and TransNet Funding Programs.

(See City Manager Report CMR-02-071.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1507)

Authorizing the City Manager to make an application to SANDAG for \$1,522,500 in Transportation Development Act (TDA) and TransNet, for eight bikeway and five sidewalk projects;

Authorizing the City Manager to take all necessary actions to secure the grant funding from SANDAG;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/3/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-108: Pacific Beach Recreation Center Tot Lot.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1508)

Authorizing the City Auditor and Comptroller to transfer \$13,000 from CIP-20-013.0, Park & Recreation Grant Matching Funding, Fund No. 630221, and \$27,000 from Development Impact Fees Fund No. 79507, to CIP-29-420.0, Pacific Beach Recreation Center Tot Lot;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvement Program budget by an increase of an amount not to exceed \$40,000 into CIP-29-420.0, Pacific Beach Recreation Center Tot Lot;

Authorizing the expenditure of an amount not to exceed \$40,000 from CIP-29-420.0, Pacific Beach Recreation Center Tot Lot, for completing the construction contract and related costs;

Authorizing the City Auditor and Comptroller, upon the advice from the Administering Department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Pacific Beach Recreation Center Tot Lot project is located at 1405 Diamond Street, at the intersection of Gresham Street in Pacific Beach. The scope of this project is to upgrade the existing tot lot to comply with ADA requirements such as accessible surfacing to all play equipment, ADA accessible signs, provide van accessible parking off street, accessible travel path from parking space to the tot lot and new entrance gate. The funding authorized by the City Council action will supplement funding previously authorized to construct the additional ADA requirements.

FISCAL IMPACT:

The estimated total project cost is \$225,139 of which \$185,139 has been previously authorized. The additional funds requested in the amount of \$40,000 are available in CIP-20-013.0, Park & Recreation Grant Match Funding No. 630221 (\$13,000) and Development Impact Fees Fund No. 79507 (\$27,000). With this action, the requested funding will be made available in CIP-29-420.0 for construction of this Tot Lot project.

Loveland/Belock/AO

Aud. Cert. 2201063.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-109: Keiller Neighborhood Park Children's Playground Upgrade - Federal Grant Application.

(Skyline-Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1464)

Authorizing the City Manager or designee to apply to the National Park Services Urban Park and Recreation Recovery (UPARR) Grant Program for a grant to upgrade the Keiller Neighborhood Park children's playground, and to take all necessary actions to secure grant funds from the UPARR Grant Program for playground upgrades at the Keiller Neighborhood Park;

If the grant funds are secured, authorizing the City Manager to expend the local match and grant funds in accordance with the terms and conditions set forth in the grant funding agreement;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to establish a special interest-bearing fund for the grant funds;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2002 Capital Improvements Program Budget to add CIP-29-592.0, Keiller Neighborhood Park Children's Playground Improvements, in the amount of \$250,110;

That upon receipt of a fully executed grant agreement, authorizing the City Auditor and Comptroller to allocate \$60,000 from CIP-20-013.0, Park and Recreation Grant Match Funding, to CIP-29-592.0, Keiller Neighborhood Park Children's Playground Improvements;

If the grant funds are secured, authorizing the City Auditor and Comptroller to allocate \$36,250 from Park and Recreation Building Fees District, Fund No. 15000, to CIP-29-592.0, Keiller Neighborhood Park Children's Playground Improvements;

If the grant funds are secured, authorizing the City Auditor and Comptroller to expend \$250,110 from CIP-29-592.0 for the playground and other

improvements at Keiller Neighborhood Park as follows: \$36,250 from Park and Recreation Building Fees District (Fund No. 15000), \$60,000 from Park and Recreation Grant Match Funding (Fund No. 630221), and \$153,860 from UPARR grant funds (contingent upon receipt of a fully executed grant agreement).

CITY MANAGER SUPPORTING INFORMATION:

In Fiscal Year 2002, the Federal Government authorized \$28,836 million nationwide for the National Urban Park and Recreation Recovery (UPARR) Grant Program for the rehabilitation of parks in urban areas. Eligible applicants must provide a 30% match.

This action authorizes the City Manager to apply for grant funds to upgrade the children's playground at Keiller Neighborhood Park in the Skyline Community. This site was selected based upon the grant criteria to: renovate recreation facilities identified by the agency as needing rehabilitation. Additional priority given to proposals serving neighborhood recreational needs and serve residents who: 1) live within low-moderate income levels; 2) are ethnically diverse; and/or 3) are physically or mentally disabled; and the lack of local funds to complete these projects.

FISCAL IMPACT:

The \$96,250 local match is secured through \$60,000 from CIP-20-013.0 "Park and Recreation Department Grants Match" and \$36,250 from Fund No. 15000 - Park and Recreation Building Permit Fee District. The total cost for the construction of the playground upgrade is \$250,110.

Herring/Williams/SLM

Aud. Cert. 2201062.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-110: Easement Grant - San Diego Gas & Electric Company - 19th and B Street 20A Conversion.

(Golden Hill Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1484)

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of constructing, repairing, modifying, maintaining underground facilities and appurtenances for the transmission and distribution of electricity, affecting a portion of Pueblo Lot 1148 according to the map made by Charles H. Poole in 1856, as conveyed to the State of California by deed recorded May 13, 1959, in Book 7657, Page 587 of Official Records of the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has passed a resolution establishing an underground utility district including B Street, between 19th and 20th Streets. The resolution requires that San Diego Gas & Electric Company remove overhead electric facilities and replace them with an underground system. The underground conversion will benefit the community of Golden Hill. There is a technical requirement for a pad-mounted switch to be located on the north side of B Street, east of 19th Street to ensure system reliability and continuity of service.

The requested easement contains two sites. The westerly easement site is rectangular in shape, containing approximately 186 square feet. The easterly easement site is irregular in shape, containing approximately 863 square feet. Total easement area requested is approximately 1,049 square feet. Pursuant to CPUC Rule 20A, the easements will be granted without a request for compensation.

FISCAL IMPACT:

None.

Herring/Griffith/ACG

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Excusing Deputy Mayor Stevens from the Public Safety & Neighborhood Services Meeting of Wednesday, June 19, 2002.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1502)

Excusing Deputy Mayor George Stevens from the Public Safety & Neighborhood Services Meeting of Wednesday, June 19, 2002.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-112: Excusing Councilmember Madaffer from the City Council Meeting on May 7, 2002.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1554)

Excusing Councilmember Jim Madaffer from attending the regularly scheduled City Council Meeting on May 7, 2002, due to his attendance to other out of own City business.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-113: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-906)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1558)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON LAND USE AND HOUSING, RESOLUTIONS:

ITEM-150: Two actions related to Pacific Highlands Ranch - FY2003 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-103; Public Facilities Financing Plan and FBA, Fiscal Year 2003, April 2002 Draft. Pacific Highlands Ranch Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1516)

Approving the document entitled "Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, FY2003."

Subitem-B: (R-2002-1531)

Resolution of Intention to designate an area of benefit in Pacific Highlands Ranch and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON LAND USE AND HOUSING, RESOLUTIONS:

ITEM-151: Two actions related to North University Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-098; Public Facilities Financing Plan and FBA, Fiscal Year 2003, April 2002 2nd Draft. North University City Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1514)

Approving the document entitled "North University City Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003."

Subitem-B: (R-2002-1515)

Resolution of Intention to designate area of benefit in North University City and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON LAND USE AND HOUSING, RESOLUTIONS:

ITEM-152: Two actions related to Torrey Highlands - Amendment to the FY2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-097; Public Facilities Financing Plan and FBA, Fiscal Year 2002", August 2001, Draft revisions - April 2002. Torrey Highlands Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1510)

Approving the amendments to the document entitled "Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, FY2002, August 2001."

Subitem-B: (R-2002-1511)

Resolution of Intention to designate an area of benefit in Torrey Highlands and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the Damage Claim of Poll v. City of San Diego.

(R-2002-1417)

Adopted as Resolution R-296365.

A Resolution approved by the City Council in Closed Session on Tuesday, April 16, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$25,000 in complete settlement of each and every claim against the City, its agents and employees, resulting from sewer main line blockage on August 2, 2000, causing property damage and business losses to Val L. Poll, D.V.M., dba Animal Clinic of North Park. The City of San Diego previously paid a sum of \$129,132.60 from damages arising from this incident.

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$25,000 made payable to Val L. Poll, D.V.M., and his attorney of record, Phillip Wing, Esq., in full settlement of all claims.

Aud. Cert. 2201008.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	6/17/02	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	6/24/02	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	Through 7/22/02	to 106	
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: American Tower Corporation: 5252 Balboa Avenue, Communication Antenna Facility.

(Continued from the meeting of May 7, 2002, Item 330, at the request of Council Member Frye, for further review.)

Matter of approving, conditionally approving, modifying or denying a Conditional Use Permit (CUP) to legalize and expand an existing rooftop antenna facility on a ten-story commercial office building, and a Site Development Permit (SDP) to allow for an exception to the Clairemont Mesa Height Limit Overlay Zone for a wireless communication antenna facility located at 5252 Balboa Avenue in the Clairemont Mesa Community Plan area. The project proposes the demolition of some existing rooftop equipment and the relocation and organization of existing communication antennas. The proposed project also provides for future antenna placement and new screening material for the facility.

(See City Manager Report CMR-02-100. 40-0322-01-CUP/SDP. Clairemont Mesa Community Plan Area. District-6.)

NOTE: Hearing open. No testimony taken.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to grant the permit:

(R-2002-)

Adoption of a Resolution granting or denying Conditional Use/Site Development Permit No. 40-0322-01, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on January 24, 2002, voted 5-0 to approve; no opposition.

Ayes: Garcia, Brown, Anderson, Lettieri, Butler

Not present: Schultz, Stryker

The Clairemont Mesa Community Planning Committee on November 20, 2001, voted 11-1 to recommend approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

American Tower Corporation is requesting a Conditional Use Permit to operate a large collocated communication facility to serve a variety of wireless service providers, and a Site Development Permit to exceed the Clairemont Mesa Height Limit Overlay Zone. The project site is located at 5252 Balboa Avenue, at the intersection of Balboa Avenue and Genesee Avenue, in the Clairemont Mesa Community Plan Area.

The project would consist of a maximum of 76 communication antennas and the associated electronic equipment cabinets on the roof of an existing, 123-foot high, commercial office building. The types of antennas include directional (panel) antennas, omni (whip) antennas and dish (satellite) antennas. The equipment cabinets would be located behind screening elements on the roof or within the interior of the existing mechanical shelters.

FISCAL IMPACT: None.

Ewell/Christiansen/JPH

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303(3).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: La Jolla Community Plan & Local Coastal Program & Associated Documents & Actions.

Matter of approving, conditionally approving, modifying or denying the April 2002 Draft of the La Jolla Community Plan and Local Coastal Program Update, the April 2002 Draft La Jolla Public Facilities Financing Plan, the associated rezones, and the associated amendments to the Progress Guide and General Plan as well as considering for certification the addendum LDR-40-0747 to EIR DEP-92-0199 and rescission of the 1976 La Jolla Community Plan (amended in 1988), the 1972 La Jolla Shores Precise Plan (amended in 1976), the 1983 La Jolla - La Jolla Shores Local Coastal Program, the 1995 La Jolla Community Plan and the 1980 Fay Avenue Plan.

The La Jolla Community Plan and Local Coastal Program and other associated actions are located in part in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this La Jolla Community Plan and Local Coastal Program Update and other associated actions will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission.

The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Planning Department, 202 “C” Street, Fourth Floor, San Diego, CA 92101 Attn: Michael Tudury, Senior Planner before the close of the City Council public hearing. If you wish to challenge the City’s action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(See City Manager Report CMR- 02-111. La Jolla Community Plan Area. Districts-1 & 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, C, and D; and introduce the ordinance in subitem E:

Subitem-A: (R-2002-1546)

Adoption of a Resolution certifying that the information contained in Addendum LDR-40-0747 Environmental Impact Report No. 92-0199 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, with respect to the project;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-1547)

Adoption of a Resolution approving the comprehensive update of the La Jolla Community Plan and Local Coastal Program Land Use Plan, and rescinding the 1976 and 1995 La Jolla Community Plans, the 1972 La Jolla Shores Precise Plan, the 1983 La Jolla - La Jolla Shores Local Coastal Program and the 1980 Fay Avenue Plan;

That the Council adopts associated amendments to City of San Diego Progress Guide and General Plan and the Local Coastal Program to incorporate the updated La Jolla Community Plan and Local Coastal Program Land Use Plan;

That the La Jolla Community Plan and Local Coastal Program Land Use Plan are not effective until unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment;

That the City Manager is directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

Subitem-C: (R-2002-1518)

Adoption of a Resolution approving the La Jolla Public Facilities Financing Plan.

Subitem-D: (R-2002-1519)

Adoption of a Resolution rescinding the existing La Jolla Development Impact Fees (DIF);

That the DIF fee schedule contained in the La Jolla Public Facilities Financing Plan Fiscal Year 2002 is declared to be an appropriate and applicable DIF fee schedule for all properties within the La Jolla Community Planning Area;

That the Docket Supporting Information (including City Manager Report CMR-02-111) and the text contained in the La Jolla Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed;

4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-E: (O-2002-138)

Introduction of an Ordinance changing a single property of 0.18 acre (7936 sq. ft.) located at 1252 Cave Street as shown on Drawing B-4170, a single property of 0.16 acre (7274 sq. ft.) located at 5779 La Jolla Boulevard as shown on Drawing B-4174, 28 properties located in the Muirlands Terrace, Unit 1 Map 2523 Por. Lots 1 and 2, Muirlands Terrace Unit 2, Map 3051 (P.M.16924) Lots 49-62, Muirlands Village Unit 1, Map 3081, subdivisions as shown on Drawing B-4184, and various City-owned properties located within the La Jolla Community Plan area, as shown on Drawing C-914 all within the La Jolla Community Plan area, from the LJ-1 Zone (Cave St.), the CC-3-5 Zone (La Jolla Blvd.), the RS-1-5 Zone (Muirlands), and zones L-SF, L-PP, L-PRF, L-CC, RS-1-1, RS-1-5, RS-1-7, RM-1-1, LJ-1, LJ-5, LJ-6 (Various City-owned properties per C-914) into the RM-3-7 Zone (Cave St.),

the La Jolla Planned District LJ-4 Zone (La Jolla Blvd.), and the RS-1-4 Zone (Muirlands) as defined by San Diego Municipal Code sections 103.0301 (La Jolla Shores Planned District Ordinance), 103.1201 (La Jolla Planned District Ordinance), 131.0201 (Open Space), 131.0401 (Residential), 131.0501 (Commercial), respectively; and repealing Ordinance Nos. O-18430, adopted 09/08/97 (Cave St.); O-15342, adopted 09/22/80 (La Jolla Blvd.); O-12176, adopted 10/19/77 (Muirlands); and O-15567, adopted 08/17/81; O-7670, adopted 12/31/57; O-18168, adopted 03/20/95; O-12177, adopted 10/19/77; O-4059, adopted 05/24/49; O-13294, adopted 08/31/31; O-12176, adopted 10/19/77; O-12643, adopted 05/15/79; O-3858, adopted 09/07/48; O-16608, adopted 03/17/86; O-16627, adopted 04/21/86; and O-13455, adopted 02/15/32 (various City-owned properties per C-914), insofar as the same conflict therewith.

OTHER RECOMMENDATIONS:

Planning Commission on December 6, 2001, voted 5 - 1 to recommend approval with conditions; was opposition.

Ayes: Butler, Garcia, Anderson, Lettieri, Brown

Nays: Stryker

Not present: Schultz

The La Jolla Community Planning Association has recommended denial of this project.

CITY MANAGER SUPPORTING INFORMATION:

The La Jolla Community Plan and Local Coastal Program Land Use Plan is the City of San Diego's adopted statement of policy for growth and development of the La Jolla community planning area for the foreseeable future. The plan proposes specific goals, policies and strategies regarding the future preservation, use and development of land within La Jolla and identifies how the use and development of that land will affect current levels of public services and facilities.

FISCAL IMPACT:

The April 2002 draft Public Facilities Financing Plan identifies total project costs for public facilities of \$98,641,898 to be used as the base for calculation of development fees.

Ewell/Goldberg/MTT

LEGAL DESCRIPTION:

The La Jolla Community Planning area encompasses approximately 4,680 acres of land located within the mid-coastal region of the City.

ENVIRONMENTAL IMPACT:

The City of San Diego as Lead Agency, has prepared a final Addendum to an Environmental Impact Report EIR-92-0199 (SCH-92071032) for the proposed project pursuant to Section 15164 of the State CEQA Guidelines. Based upon a review of the current project, it had been determined that there are no new significant environmental impacts not considered in the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance to the project.

The previous Final EIR No. 92-0199 for the La Jolla and Pacific Beach Community Plan and Local Coastal Program Land Use Plan Updates, dated July 12, 1993, concluded that the Plan update for La Jolla would result in significant and unmitigated impacts to traffic and circulation (direct and cumulative), air quality (direct and cumulative), geology and soils, biology, cultural resources, hydrology and water quality (direct and cumulative), and noise (direct and cumulative). In addition, the EIR concluded that some of these impacts would be mitigated during future, site-specific CEQA review for development proposals requiring subsequent discretionary permits. Mitigation measures were adopted with the certification of the Final EIR and are still applicable to this current update project.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT